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EX PARTE PRESENTATION

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Ex Parte Presentation in IB Docket No. 11-150, *DISH Network Corporation Files to Acquire Control of Licenses and Authorizations Held By New DBSD Satellite Services G.P, Debtor-in-Possession and TerreStar License Inc., Debtor-in-Possession*; IB Docket No. 11-149, *New DBSD Satellite Service G.P., Debtor-in-Possession, and TerreStar Licensee Inc., Debtor-in-Possession, Request for Rule Waivers and Modified Ancillary Terrestrial Component Authority*

Dear Ms. Dortch:

Pursuant to Section 1.1206 of the Commission's rules, 47 C.F.R. § 1.1206, DISH Network ("DISH") submits this letter summarizing a meeting on Monday, November 7, 2011 with Paul de Sa, Rick Kaplan, Rod Porter, Gardner Foster, and Jeremy Marcus. Present at the meeting on behalf of DISH were Jeffrey Blum, Senior Vice President and Deputy General Counsel; Alison Minea, Corporate Counsel; and John Flynn, outside counsel.

During the meeting, we discussed the filings made since October 17, 2011 in the above-referenced dockets. We explained that nothing in the record should prevent expeditious approval of both the transactions and the associated waiver requests. Indeed, they present the Commission with an immediate opportunity to advance one of its highest priorities – deploying broadband networks to every American. The technical flexibility sought by DISH is the best course to achieving the Commission's National Broadband Plan goals, we noted, among other reasons because waiting for the conclusion of a rulemaking proceeding would inject years of delay and implicate spectrum bands that are not the subject of DISH's applications.

In addition, we stated that any so-called "windfall" concerns raised in the record are entirely unfounded. Among other things, DISH has made substantial commitments in its applications, including maintaining a robust satellite service and its willingness to set a realistic buildout schedule for its mobile broadband network. Moreover, DISH submitted

bids to acquire equity in DBSD and assets from TerreStar, and these bids were approved by the bankruptcy courts after completion of processes that were open to all other interested parties. At the time of these open bidding processes, the precedent for achieving more flexible spectrum rules to serve the public interest was well known.

We stressed that it is critical that the Commission grant all of the applications *together* rather than delay action on the waiver requests. Without the waivers, it is highly uncertain that DISH can commence wide-scale design and construction efforts for a terrestrial network, and it is certain that any design and construction activities that may be undertaken at all will have to proceed at a significantly slower pace. Indeed, DISH has been in discussions with potential chipset, network equipment, and handset manufacturers, but these suppliers continue to state that they cannot undertake development activities for the MSS/ATC network until all requirements (including support for single- and dual-mode devices) are finalized.¹

We also pointed out that DISH and Sprint Nextel Corporation (“Sprint”), through a settlement announced last week, have been able to resolve all outstanding issues related to Sprint’s relocation of certain incumbents from the 2000-2020 MHz band. As a result, Sprint has withdrawn its petitions to deny our transaction and waiver applications. Particularly with this development, DISH believes that the record demonstrates that expeditious approval will be a win for consumers, competition, and American jobs.

Respectfully submitted,

/s/ Alison A. Minea

Alison A. Minea

cc: Paul de Sa
Gardner Foster
Rick Kaplan
Jeremy Marcus
Rod Porter

¹ See Consolidated Opposition to Petitions to Deny and Response to Comments, IB Dockets Nos. 11-149 and 11-150 (Oct. 27, 2011), at 14-15, *citing* Declaration of Thomas Cullen, ¶¶ 5-7.